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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 JAIRO ADALID MARTINEZ VILLAFRANCA,

No. C-05-4058 MMC

12 Plaintiff,
13 v.

14 DEPARTMENT OF HOMELAND
SECURITY, et al.,

15 Defendants
16 _____/

**ORDER GRANTING JUDGMENT FOR
DEFENDANTS ON PLAINTIFF'S
COMPLAINT FOR DECLARATORY
RELIEF AND INJUNCTIVE RELIEF**

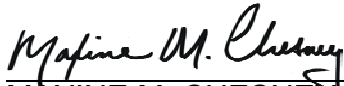
17 Before the Court is plaintiff's Complaint for Declaratory Relief and Injunctive Relief.
18 The matter came on regularly for hearing October 24, 2005. Rebecca M. Biernat of
19 Sedgwick, Detert, Moran & Arnold LLP appeared on behalf of plaintiff. Ila C. Deiss,
20 Assistant United States Attorney, appeared on behalf of defendants. Having considered
21 the papers submitted and the arguments of counsel, the Court, for the reasons stated on
22 the record at the hearing, finds that defendants' October 18, 2005 decision, denying
23 plaintiff's request for reconsideration of defendants' May 16, 2005 denial of plaintiff's
24 request that the Secretary of the Department of Homeland Security relinquish federal
25 custody jurisdiction over him and consent to the state juvenile court's exercise of custody
26 jurisdiction, is not "arbitrary, capricious, an abuse of discretion, or otherwise not in
27 accordance with law." See 5 U.S.C. § 706.

28 Accordingly, the Court hereby grants judgment in favor of defendants and

1 against plaintiff.

2 **IT IS SO ORDERED.**

3 Dated: October 24, 2005



MAXINE M. CHESNEY
United States District Judge

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